IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: HETTISH

Application No.: 10/673,522

Filing Date: 9/29/2003

For: METHOD AND SYSTEM FOR
MAPPING DEVICE CONTEXT TO
IDENTITY CONTEXT

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Confirmation No.: 1651

Group Art Unit: 2161

Examiner: Kavita Padmanabhan

APPEAL BRIEF

Docket No.: 2003P08061US

Mail Stop APPEAL - PATENTS (via EFS)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action mailed July 19, 2009 (the "Final Office Action"), rejecting claims 1 – 7 and 10 – 20.

REAL PARTY IN INTEREST

The present application is assigned to Siemens Information and Communication Networks, Inc., 900 Broken Sound Blvd., Boca Raton, Florida 33487.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to Appellant, Appellant's legal representative, or assignee, which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1 – 7 and 10 – 20 are pending and being appealed.

Claims 8 and 9 have been cancelled.

STATUS OF AMENDMENTS

No amendments to the claims are pending or were filed after the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER INVOLVED IN THE APPEAL

Some embodiments of the present invention relate to a method, article of manufacture, and system for mapping a device oriented context provided by a device oriented context application to an identity oriented context for the identity by an identity oriented context application by associating the device oriented context with the identity oriented context, where the identity oriented context provides an availability status of the identity. FIG. 1 provides a block diagram of a system including a Context Agent 102, an Identity Context Oriented Application 104, a Presence and Availability Service 106, a Device Context Oriented Application 108, and a number of user devices 110, 112, 114, and 116. FIG. 2 is another embodiment of a system according to the disclosure, including a communication network 122. FIGS. 3, 5, 6, and 7 further disclose and illustrate aspects of the claimed methods of the invention, while FIG. 4 provides an

illustrative depiction of an identity context to device context mapping table. FIG. 8 provides an example of a server that may implement one or more of the components associated with FIG. 1 and/or the claimed methods.

Appellant will now map each of the independent claims, and the dependent claims that are argued separately, to the disclosure of this application.

Claim 1

Claim 1 recites a method, comprising:

A method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 7, ln. 2 – pg. 11, ln. 8);

detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other (FIG. 6, 178; FIG. 7, 192; pg. 15, ln. 18 – 24; pg. 16, ln. 24 – 25);

mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity (FIG. 6, 180; FIG. 7, 194; pg. 15, ln. 25 – pg. 16, ln. 4; pg. 16, ln. 26 – pg. 17, ln. 1); and

providing data indicative of said mapped identity oriented context to said identity context oriented application (FIG. 6, 184; FIG. 7, 196; pg. 16, ln. 9 – 17; pg. 17, ln. 2 – 5).

Claim 18

Claim 18 recites a method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 7, ln. 2 – pg. 11, ln. 8);

detecting a new device oriented context provided by said device oriented context application for a specific device in a presence and availability service, wherein said new device oriented context is associated with an identity and provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other (FIG. 6, 178; FIG. 7, 192; pg. 15, ln. 18 – 24; pg. 16, ln. 24 – 25);

mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity (FIG. 6, 180; FIG. 7, 194; pg. 15, ln. 25 – 16, ln. 4; pg. 16, ln. 26 – pg. 17, ln. 1);

providing data indicative of said mapped identity oriented context to ~~an~~ said identity context oriented application (FIG. 6, 184; FIG. 7, 196; pg. 16, ln. 9 – 17; pg. 17, ln. 2 – 5).

Claim 19

Claim 19 recites an article of manufacture comprising:

a computer readable medium having stored thereon instructions which, when

executed by a processor (pg. 20, ln. 19 – 24), cause said processor to:

interface an identity oriented context application that provides an availability of the identity with a device oriented context application that represents the context of identity based on an availability of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 7, ln. 2 – pg. 11, ln. 8);

detect a new device oriented context for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other (FIG. 6, 178; FIG. 7, 192; pg. 15, ln. 18 – 24; pg. 16, ln. 24 – 25);

map said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity (FIG. 6, 180; FIG. 7, 194; pg. 15, ln. 25 – pg. 16, ln. 4; pg. 16, ln. 26 – pg. 17, ln. 1); and

provide data indicative of said mapped identity oriented context to ~~an~~ said identity context oriented application.

Claim 20

Claim 20 recites an apparatus, including:

a processor (FIG. 8, 210);

a communication port (FIG. 8, 212) coupled to said processor and adapted to communicate with at least one device; and

a storage device (FIG. 8 220) coupled to said processor and storing instructions

adapted to be executed by said processor to:

interface an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons (FIGS. 1, 2; pg. 7, ln. 2 – pg. 11, ln. 8);

detect a new device oriented context provided by said device oriented context application for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other (FIG. 6, 178; FIG. 7, 192; pg. 15, ln. 18 – 24; pg. 16, ln. 24 – 25);

map said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context for said identity, wherein said identity oriented context provides an availability status of said identity (FIG. 6, 180; FIG. 7, 194; pg. 15, ln. 25 – pg. 16, ln. 4; pg. 16, ln. 26 – pg. 17, ln. 1); and

provide data indicative of said mapped identity oriented context to said identity oriented context application (FIG. 6, 184; FIG. 7, 196; pg. 16, ln. 9 – 17; pg. 17, ln. 2 – 5).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 – 7 and 10 – 20 are unpatentable under 35 USC 102(b) as being anticipated by Diacakis et al. U.S. Publication 2002/0116336, hereinafter "Diacakis".

ARGUMENT

Claims 1 – 7 and 10 – 20 are Patentable

Claims 1 – 7 and 10 – 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis". This rejection is traversed.

Appellant notes that claim 1 relates to a method including interfacing an *identity oriented context application that represents a context of an identity based on an availability of the identity* with a *device oriented context application that provides an availability of a device associated with the identity,* where the identity is a person or a group of persons; detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity, *wherein* said new device oriented context provides an availability status of the specific device and *the identity oriented context application and the device oriented context application are separate and distinct from each other*; mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity; and providing data indicative of said mapped identity oriented context to said identity context oriented application.

Appellant clearly claims interfacing (a) an identity oriented context application with (b) a device oriented context application, wherein the two applications (a) and (b) are *separate and distinct* from each other. The claimed identity oriented context application specifically represents a context of an identity based on an availability of the identity, whereas the claimed device oriented context application specifically provides an availability of a device associated with the identity.

The availability of a <u>device</u> associated with the identity is provided by the device oriented context application, as stated in the Specification at paragraph [0028] where Appellant discloses, "[A]n identity may have one or more associated devices. ...Each

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device may have an associated device context. ... Context for a device may describe the work or non-work stat, and/or the availability or non-availability state, that the device is in."

Thus, it is clear that the claimed "device oriented context application" provides an availability of a <u>device</u> associated with the identity. The claimed "device oriented context application" does not recite providing an availability or presence of an individual.

Appellant respectfully notes claims 18 (also directed to a method), 19 (directed to an article of manufacture), and claim 20 (directed to an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application.

Appellant respectfully submits that the cited and relied upon Diacakis <u>does not</u> disclose or suggest, at least, the claimed device oriented context application that is separate and distinct from an identity oriented context application, and mapping a new device oriented context to the identity oriented context.

Appellant notes the Final Office Action dated July 22, 2009 (hereinafter, FOA) maintains the rejection of the claims on the basis that Diacakis' disclosed presence and availability (P&A) management server 12 related explicitly to determining the presence and availability of an individual is equivalent to the claimed "device oriented context application" at pages 2 – 3 of the FOA. However, the Office's characterization of Diacakis is clearly made in error and factually unsupported by the Diacakis disclosure.

Appellant submits that Diacakis factually discloses a P&A management server 12 that includes "a presence detection engine 18 and an availability management engine 20". (Diacakis, para. [0024], ln. 7 – 10) The presence detection engine 18 and the availability management engine 20 together form the P&A management server 12 and cooperate to provide the functionality of determining the *presence and availability of an individual* to the P&A management server 12. Appellant notes that Diacakis states throughout the entirety of its disclosure that the purpose and function of the disclosed methods and systems therein is to determine the presence and availability of an individual (i.e. identity or person).

Appellant reiterates Diacakis is explicitly related to an *individual's* presence and availability. In particular, Appellant directs the Office to refer to page 10 of the Response and Amendment filed with the Office on September 22, 2009 (via EFS), page 10, paragraph 2 that cites and repeats portions of Diacakis. Appellant submits Diacakis itself explicitly and exclusively defines the terms "presence" and "availability" in the context of "the ability of an individual to access a particular communications network" and "the willingness of an individual who is present on one or more communications networks to be reached by one or more persons", respectively. Furthermore, any attempt to expand the meaning of the terms "presence" and "availability" beyond the specific definitions provided by Diacakis would be impermissible and counter to the plain meaning and scope of the Diacakis reference.

It is also submitted that Diacakis' presence detection engine 18, as explicitly disclosed and defined by Diacakis, provides a <u>presence of an individual</u>. The fact that the individual may be present on a network or a device does not alter the fact that Diacakis provides a presence of the individual. It is the <u>presence of the individual</u> that is <u>determined</u> by Diacakis, not the presence or availability of the network or device. The Office is directed to refer to Diacakis, paragraphs [0038] and [0040], wherein the presence engine 18 is disclosed and discussed.

Based on the *explicit* defining disclosure of Diacakis, it is clear that the P&A server 12 determines the presence of an individual based on the presence detection engine's determination of the <u>individual's presence</u> on a network and the availability management engine's determination of the <u>individual's availability</u> based on the <u>individual's</u> presence information from presence engine 18 and additional information about the <u>individual</u>. Unquestionably, Diacakis' presence detection engine 18 provides presence information about the <u>individual</u>. The presence information about the <u>individual</u> from the presence detection engine 18 is used by the availability management engine 20, in combination with the <u>individual's</u> rules and preferences, to determine the <u>individual's</u> availability. The individual's rules and preferences may determine or control how the <u>individual's</u> presence information from the presence detection engine is classified or characterized.

Therefore, it is seen that both the presence detection engine 18 and the availability management engine 20 using individual presence information from the presence engine 18 relate to a presence (i.e., the ability of an <u>individual</u> to access a particular communications network) and availability of an <u>individual</u>. Contrary to the assertions in the FOA, there is no disclosure or suggestion that the asserted Diacakis presence detection engine 18 is the same as, analogous to, or equivalent to the claimed "device oriented context application that provides an availability of a device".

Appellant also notes that the FOA appears to admit that the Diacakis presence detection engine 18 is directed to the availability of an individual (and not the availability of a device) since the FOA states, "presence detection engine interpreted as a device oriented context application *since it determines user's presence* on particular devices" at page 2, paragraph 6. While Appellant disagrees with the conclusion that the presence detection engine is or should be interpreted as a device oriented context application, Appellant agrees with the statement that "it determines user's presence on particular devices" (where "it" refers to the presence detection engine) is accurate based on the explicit disclosure of Diacakis. That is, Appellant agrees with the factual statements by the Examiner (i.e., "the presence detection engine determines user's presence) but disagrees with the Examiner's conclusion based on those factual underlying statements.

Appellant reiterates Diacakis provides numerous examples of the presence detection engine 18 providing <u>the individual's presence</u> on different networks. Appellant incorporates the arguments of record related to Diacakis' extensive disclosed examples of the identity (i.e., individual) oriented application therein – the presence detection engine 18. Accordingly, Appellant will not repeat the citations to Diacakis at paragraphs, [0034], [0038], and [0040] – [0044].

Appellant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the <u>presence and availability of an individual</u>. As such, no availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application.

Appellant respectfully submits claims 1, 18, 19, and 20 are not anticipated by Diacakis and Appellant further submits claims 2 – 7 and 10 – 17 are also patentable over Diacakis for depending from an allowable base claim.

Therefore, Appellant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 10 – 20 under 35 USC 102, and the allowance of the present patent application.

C O N C L U S I O N

For at least the reasons set forth above, Appellant respectfully submits that the rejection of the claims is improper. Accordingly, Appellant respectfully requests that the rejection be reversed.

No extension of time is believed due. The requisite fee of $540.00 is paid herewith through EFS. If any additional fees are due in conjunction with this matter, the Commissioner is hereby authorized to charge them to Deposit Account 50-1852.

An Appendix of claims involved in this appeal is attached hereto.

If any issues remain, or if the Examiner or Board believes that a telephone interview would expedite the prosecution of this application in any way, kindly contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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APPENDIX A - CLAIMS

1. (Previously Presented)   A method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons;

detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other;

mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity; and

providing data indicative of said mapped identity oriented context to said identity context oriented application.

2. (Previously Presented)   The method of claim 1, wherein said detecting said new device oriented context for said device includes detecting said new device oriented context in a presence and availability service.

3. (Previously Presented)   The method of claim 1, wherein said detecting said new device oriented context for said device includes receiving a request to change said device's device context.

4. (Previously Presented)   The method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity.

5. (Previously Presented)   The method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity context.

6. (Previously Presented)   The method of claim 1, further comprising determining said identity.

7. (Previously Presented)   The method of claim 1, further comprising determining said identity context.

8. (Canceled)

9. (Canceled)

10. (Previously Presented)   The method of claim 1, further comprising:

receiving a request to make a change to a new identity oriented context for an identity; and

mapping said new identity oriented context to a device context for a device associated with said identity.

11. (Previously Presented)   The method of claim 1, further comprising:

receiving a request to make a change to a new identity oriented context for a second identity; and

mapping said new identity oriented context to a device oriented context for a device associated with said second identity.

12. (Previously Presented)   The method of claim 11, wherein said receiving said request to make said change to a new identity oriented context for said

second identity includes receiving said request from an identity context oriented application.

13. (Previously Presented)   The method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device associated with said second identity.

14. (Previously Presented)   The method of claim 13, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device oriented context associated with said device associated with said second identity.

15. (Previously Presented)   The method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes accessing a mapping table.

16. (Previously Presented)   The method of claim 1, further comprising:

providing data indicative of said device oriented context to a presence and availability service.

17. (Previously Presented)   The method of claim 11, further comprising:

changing an identity oriented context for said second identity from a first identity oriented context to a said new identity oriented context in response to said request.

18. (Previously Presented)   A method, comprising:

interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons;

detecting a new device oriented context provided by said device oriented context application for a specific device in a presence and availability service, wherein said new device oriented context is associated with an identity and provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other;

mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity;

providing data indicative of said mapped identity oriented context to ~~an~~ said identity context oriented application.

19. (Previously Presented)   An article of manufacture comprising:

a computer readable medium having stored thereon instructions which, when executed by a processor, cause said processor to:

interface an identity oriented context application that provides an availability of the identity with a device oriented context application that represents the context of identity based on an availability of a device associated with the identity, where the identity is a person or a group of persons;

detect a new device oriented context for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other;

map said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability

status of said identity; and

provide data indicative of said mapped identity oriented context to ~~an~~ said identity context oriented application.

20. (Previously Presented)   An apparatus, including:

a processor;

a communication port coupled to said processor and adapted to communicate with at least one device; and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor to:

interface an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons;

detect a new device oriented context provided by said device oriented context application for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other;

map said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context for said identity, wherein said identity oriented context provides an availability status of said identity; and

provide data indicative of said mapped identity oriented context to said identity oriented context application.

APPENDIX B - EVIDENCE

No evidence is being submitted with this Appeal Brief (*i.e.*, this appendix is empty).

APPENDIX C - RELATED PROCEEDINGS

No prior or pending appeals, interferences, or judicial proceedings are known to Appellant, Appellant's legal representative, or assignee, which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal. Therefore, there are no copies of decisions rendered by a court or the Board to attach (*i.e.*, this appendix is empty).